

First Named Inventor: Joel David Limmer

Application No.: 10/600,879

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AMENDMENTS TO THE DRAWINGS

Please replace FIGS. 1-9 with the replacement drawings attached with this Amendment.

REMARKS

With this Amendment, claims 1 and 12 are amended, and new claims 21-24 are added. Claims 1-24 are pending in this application.

Request for Reconsideration of Finality of Office Action

Applicant respectfully requests reconsideration and withdrawal of the finality of the Office Action mailed on December 8, 2005 under 37 C.F.R. § 1.113. (See MPEP § 706.07(b)-706.07(e).)

The M.P.E.P provides some guidance as to when a final rejection is justified: “An applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application. But the applicant who dallies in the prosecution of his or her application resorting to technical or other obvious subterfuges in order to keep the application pending before the primary examiner, can no longer find refuge in the rules to ward off a final rejection.” M.P.E.P. § 706.07.

Applicant respectfully asserts that the Request for Continued Examination and submission filed on November 11, 2005 was a good faith attempt to define the invention in claims that will provide the applicant the patent protection to which they are entitled. In particular, claim amendments were provided in an attempt to more accurately define the appropriate scope of claim protection. Each of the Independent claims 1, 12, and 19 was amended as were dependent claims 2, 3, 9-11, 15, 17 and 18, and therefore the claims are not drawn to the same invention claimed in the earlier application. See MPEP § 706.07(b). In addition, a detailed explanation was also provided to explain why the amended claims were patentable over the prior art of record. In no way did applicant dally in the prosecution or resort to technical subterfuges. The filing of an RCE was chosen to present the claim amendments because the change of scope would raise new issues that would preclude entry of those amendments after final rejection.

Furthermore, the M.P.E.P. suggests that “the examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed.” In the submission of November 23, 2005, the applicant amended the claims to define that certain connections were pivotal connections, and made other various amendments. The Amended claims were also accompanied by a good-faith explanation for why the claims were patentable over the prior art. The amendments and arguments had not previously been considered by the Examiner, and therefore a clear case had not yet been developed between the applicant and the examiner.

As a result, applicant respectfully requests that the finality of the Office Action mailed on December 8, 2005 be withdrawn to provide applicant with a full and fair hearing.

Amendments to Drawings and Specification

With this Amendment, please replace all of the figures with the nine (9) replacement sheets enclosed. FIGS. 3 through 9 have been amended to illustrate actuator motor 15 within actuator block 13. The replacement sheets include actuator motor illustrated as a box labeled with the number 15. They also include a dotted line between the box and one end of drive link 44.

This amendment to the drawings does not add new matter to the disclosure, because each of the features shown were disclosed in the originally filed patent application, and therefore should not be rejected under 35 U.S.C. § 132(a). For example, the specification describes 15 as being the actuator motor, and describes actuator motor 15 as being within actuator block 13. (Page 4, lines 17-26.) Furthermore, the original disclosure states that actuator motor 15 drives link 44. (Page 4, lines 24-26). This relationship between motor 15 and drive link 44 is illustrated by the dotted line. Therefore, each modification made in the replacement drawings is fully supported by the disclosure of the original patent application, and entering the replacement drawings is now appropriate.

Claim Rejections - 35 U.S.C. § 102

In the Office Action, claims 1-6, 12, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Rohart patent and claims 1-4, 6, 12, and 13 were rejected under 35 U.S.C.

§ 102(b) as being anticipated by the Japanese patent document (59-28216).

With this amendment, independent claims 1 and 12 have been amended to recite that the mounting block includes a mounting arm having a distal end connected to a transducer. In addition, the claims state that the mounting arm extends in a direction perpendicular to a line passing through the second end of the drive link and the second end of the guide link (or the second ends at least two of the generally parallel links, as in claim 12).

Neither the Rohart patent nor the Japanese patent document disclose a mounting block including a mounting arm that extends in a direction perpendicular to a line passing through the second end of the drive link and the second end of the guide link. Rather, the Rohart patent includes pad-holder springs 9 that extend roughly parallel with the second ends of link 11 and link 17. The Japanese patent document also includes arm 42 that extends parallel with the second ends of link 38 and link 45.

Neither the Rohart patent or the Japanese patent document teach a mounting arm that extends generally perpendicular to the second ends of a drive link and a guide link. Therefore, the rejection of claims 1 and 12 under 35 U.S.C. § 102(b) should be withdrawn. Claims 2-6, and 13 depend from allowable independent claims 1 and 12 and are therefore also allowable.

Claim Rejection - 35 U.S.C. § 103(a)

In the Office Action claims 8, 9, 11, 15, 16, and 18 were rejected under 35 U.S.C. § 103(a) as being obvious over Rohart or the Japanese patent document, and in view of the knowledge of one of skill in the art. Claims 8, 9, 11, 15, 16, and 18 all depend from allowable independent claims 1 or 12, as discussed above, and are therefore allowable.

Allowable Claims

In the Office Action claims 7, 10, 14 and 17 were indicated to be allowable if rewritten in independent form and claims 19 and 20 were indicated to be allowable. Claims 7, 10, 14 and 17 all depend from allowable independent claims 1 or 12, as discussed above, and are therefore allowable. With this Amendment, claims 7, 10, 14 and 17 were also rewritten in independent form as new claims 21-24. These claims are also allowable.

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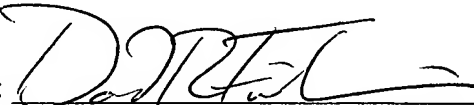
Conclusion

Based upon the foregoing, the pending application containing claims 1-24 is in condition for allowance. Reconsideration and notice to that effect is respectfully requested.

Respectfully submitted,

KINNEY & LANGE, P.A.

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By: 

David R. Fairbairn, Reg. No. 26,047

THE KINNEY & LANGE BUILDING

312 South Third Street

Minneapolis, MN 55415-1002

Telephone: (612) 339-1863

Fax: (612) 339-6580\

DRF:BAT